

REMARKS

An Office Action was mailed in the above-captioned application on December 28, 2004. In such Office Action claims 28-52 were pending. Claims 40-52 were withdrawn from consideration as. Claims 28-39 were rejected. This Amendment and Remarks document is submitted in response to said Office Action and as the required submission with a Request for Continued Examination under 37 C.F.R. § 1.114.

Election/Restrictions

The Examiner has indicated that Claims 40-52 have been withdrawn from consideration as being directed to a non-elected invention. In the interest of expediting prosecution, claims 40-52 have been cancelled; however, applicant reserves the right to pursue this subject matter in a continuing application.

Specification

The prior amendment has been objected to under 35 U.S.C. § 132 as allegedly introducing new matter into the disclosure. Specifically, the incorporation by reference of all parent application has been objected to. The specification has been amended to remove the phrase “each of which is incorporated herein by reference in its entirety.” Reconsideration is respectfully requested.

The Double Patenting Rejection

The Examiner has rejected Claims 28-39 as being unpatentable over Claims 1-27 of U.S. Patent No. 6,048,698. An obviousness-type double patenting rejection is appropriate when a claim merely defines an obvious variation of an invention claimed in a patent. M.P.E.P. § 804(II)(B)(1). A double-patenting rejection must rely on a comparison with the claims in an issued or to be issued patent. M.P.E.P. § 804(III).

A terminal disclaimer is submitted herewith to overcome this rejection.

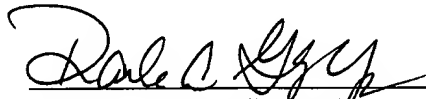
Closing Remarks

Applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date: June 22, 2005

A handwritten signature in dark ink, appearing to read 'Darla G. Yoerg', is written over a horizontal line.

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